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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,978	11/14/2003	Michael B. Yaffe	01997/545003	5853
21559	7590	11/30/2007	EXAMINER	
CLARK & ELBING LLP			STEADMAN, DAVID J	
101 FEDERAL STREET			ART UNIT	
BOSTON, MA 02110			PAPER NUMBER	
			1656	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,978	YAFFE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David J. Steadman	1656	

All participants (applicant, applicant's representative, PTO personnel):

(1) David J. Steadman.

(3) Kristina Bieker-Brady.

(2) Michael Robinson.

(4) \_\_\_\_\_.

Date of Interview: 16 November 2007.

Type: a) ☒ Telephonic    b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant    2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes    e) ☐ No.  
If Yes, brief description: Draft claim amendment.

Claim(s) discussed: Claim 1.

Identification of prior art discussed: Prior art cited in 102 and 103 rejections.

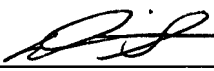
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The interview focused on the proposed claim amendment to claim 1 and how applicant perceived the amendment as addressing and overcoming the rejections of record. In view of the substantial claim amendment, the examiner noted that further consideration would be required to determine whether the rejections of record would be maintained or withdrawn. Applicant questioned the examiner regarding evidence that may support an enabling disclosure; the examiner noted that general references regarding the use of in silico screening methods for identifying potential binding agents would likely not be helpful since the state of the art recognizes such methods. Applicant noted their perceived distinction over the prior art in the 103 rejection is that the structural coordinate data is functional, rather than non-functional, descriptive material and even if the data is non-functional, Gulack would not appear to apply since a claim cannot be "dissected" into its parts.

## Clark & Elbing LLP

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**UNOFFICIAL**

**Date:** November 16, 2007

**To:** Examiner David J. Steadman  
U.S. Patent and Trademark Office  
Group Art Unit 1656

**Facsimile No.:** (571) 273-0942

**From:** Kristina Bicker-Brady, Ph.D.  
Reg. No. 39,109

**Re:** U.S. Patent Application Serial No. 10/713,978  
COMPUTER COMPRISING ATOMIC COORDINATES OF A  
PLK-1 POLO-BOX DOMAIN AND USES THEREOF (as  
amended)  
Yaffe et al.  
Filed November 14, 2003  
Attorney Docket No. 01997/545003  
Customer No. 21559  
Confirmation No. 5853

**Pages:** 4, including cover page.

**Message:** The following papers are enclosed:  
Discussed Claim Amendments (3 pages)

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**PATENT**  
**ATTORNEY DOCKET NO. 01997/545003**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Yaffe et al.	<b>Confirmation No.:</b>	5853
<b>Serial No.:</b>	10/713,978	<b>Art Unit:</b>	1656
<b>Filed:</b>	November 13, 2003	<b>Examiner:</b>	Steadman, David
<b>Customer No.:</b>	21559		
<b>Title:</b>	COMPUTER COMPRISING ATOMIC COORDINATES OF A PLK-1 POLO-BOX DOMAIN AND USES THEREOF (as amended)		

**UNOFFICIAL**

**DISCUSSED CLAIM AMENDMENTS**

Applicants submit the following unofficial draft claim amendment for discussion purposes only.

# DRAFT AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A computer comprising a processor in communication with a memory; said memory having stored therein

(i) at least one set of x, y, and z atomic coordinates from Table 5, or a mathematical modification of Table 5 that preserves the relative relationships among the coordinates of Table 5, or surrogate coordinate thereof, from Table 5 for from a given atom of each of the following residues His-538, Lys-540, Trp-414, and Leu-491 of a Polo-box domain of a Plk-1 Polo-like kinase, or a set of x, y, and z atomic coordinates that have a root mean square deviation of said set of x, y, and z atomic coordinates of said Polo-box domain of less than 3 Å ~~encoded on a data storage medium~~; and

(ii) a program for generating a three-dimensional model of said Polo-box domain utilizing said coordinates of (i), above,

wherein said computer is capable of outputting a representation of said three-dimensional model to a display or memory.

REMARKS

Claim 1 has been amended to feature a computer containing a processor in communication with a memory stored with at least one set of x, y, and z atomic coordinates from Table 5, or a mathematical modification of Table 5 that preserves the relative relationships among the coordinates of Table 5. Support for this amendment is found, for example, in Table 5 on page 96, of the specification as filed. Claim 1 has further been amended to feature atomic coordinates of a Polo-box domain of a Plk-1 Polo-like kinase. Support for this amendment is found, for example, on page 32, lines 17-24, of the specification as filed. Claim 1 has also been amended to feature a program for generating a three-dimensional model of the Polo-box domain utilizing the coordinates of Table 5 and outputting the model to a display or memory. Support for this amendment is found, for example, in the drawings submitted with the application as filed and on page 168, lines 7-10, of the specification as filed.